

## Senate Bill No. 1818

### CHAPTER 1071

An act to add Section 3339 to the Civil Code, to add Chapter 17.3 (commencing with Section 7285) to Division 7 of Title 1 of the Government Code, to add Chapter 1 (commencing with Section 24000) to Division 20 of the Health and Safety Code, and to add Section 1171.5 to the Labor Code, relating to employment laws.

[Approved by Governor September 29, 2002. Filed  
with Secretary of State September 29, 2002.]

#### LEGISLATIVE COUNSEL'S DIGEST

SB 1818, Romero. Employment laws: enforcement actions.

Existing law provides protections, rights, and remedies to persons who have applied for employment, or persons who are employed, in this state pursuant to provisions in the Civil Code, the Government Code, the Health and Safety Code, and the Labor Code.

This bill would make a legislative finding and declaration that all protections, rights, and remedies available under state law, except as prohibited by federal law, are available to individuals regardless of immigration status who have applied for employment, or who are or who have been employed, in this state. The bill would further find and declare that for the purposes of enforcing state labor, employment, civil rights, and employee housing laws, a person's immigration status is irrelevant to the issue of liability and no inquiry shall be permitted into a person's immigration status except when necessary to comply with federal immigration law.

This bill would add similar provisions to the Civil Code, the Government Code, the Labor Code, and the Health and Safety Code relative to enforcement actions relating to the rights of employees.

*The people of the State of California do enact as follows:*

SECTION 1. Section 3339 is added to the Civil Code, to read:

3339. The Legislature finds and declares the following:

(a) All protections, rights, and remedies available under state law, except any reinstatement remedy prohibited by federal law, are available to all individuals regardless of immigration status who have applied for employment, or who are or who have been employed, in this state.

(b) For purposes of enforcing state labor, employment, civil rights, and employee housing laws, a person's immigration status is irrelevant



to the issue of liability, and in proceedings or discovery undertaken to enforce those state laws no inquiry shall be permitted into a person's immigration status except where the person seeking to make this inquiry has shown by clear and convincing evidence that this inquiry is necessary in order to comply with federal immigration law.

(c) The provisions of this section are declaratory of existing law.

(d) The provisions of this section are severable. If any provision of this section or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

SEC. 2. Chapter 17.3 (commencing with Section 7285) is added to Division 7 of Title 1 of the Government Code, to read:

#### CHAPTER 17.3. ENFORCEMENT ACTIONS

7285. The Legislature finds and declares the following:

(a) All protections, rights, and remedies available under state law, except any reinstatement remedy prohibited by federal law, are available to all individuals regardless of immigration status who have applied for employment, or who are or who have been employed, in this state.

(b) For purposes of enforcing state labor, employment, civil rights, and employee housing laws, a person's immigration status is irrelevant to the issue of liability, and in proceedings or discovery undertaken to enforce those state laws no inquiry shall be permitted into a person's immigration status except where the person seeking to make the inquiry has shown by clear and convincing evidence that the inquiry is necessary in order to comply with federal immigration law.

(c) The provisions of this section are declaratory of existing law.

(d) The provisions of this section are severable. If any provision of this section or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

SEC. 3. Chapter 1 (commencing with Section 24000) is added to Division 20 of the Health and Safety Code, to read:

#### CHAPTER 1. ENFORCEMENT ACTIONS

24000. The Legislature finds and declares the following:

(a) All protections, rights, and remedies available under state law, except any reinstatement remedy prohibited by federal law, are available to all individuals regardless of immigration status who have applied for employment, or who are or who have been employed, in this state.





(b) For purposes of enforcing state labor and employment laws, a person's immigration status is irrelevant to the issue of liability, and in proceedings or discovery undertaken to enforce those state laws no inquiry shall be permitted into a person's immigration status except where the person seeking to make this inquiry has shown by clear and convincing evidence that the inquiry is necessary in order to comply with federal immigration law.

(c) The provisions of this section are declaratory of existing law.

(d) The provisions of this section are severable. If any provision of this section or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

SEC. 4. Section 1171.5 is added to the Labor Code, to read:

1171.5. The Legislature finds and declares the following:

(a) All protections, rights, and remedies available under state law, except any reinstatement remedy prohibited by federal law, are available to all individuals regardless of immigration status who have applied for employment, or who are or who have been employed, in this state.

(b) For purposes of enforcing state labor and employment laws, a person's immigration status is irrelevant to the issue of liability, and in proceedings or discovery undertaken to enforce those state laws no inquiry shall be permitted into a person's immigration status except where the person seeking to make this inquiry has shown by clear and convincing evidence that the inquiry is necessary in order to comply with federal immigration law.

(c) The provisions of this section are declaratory of existing law.

(d) The provisions of this section are severable. If any provision of this section or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

